

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DWIGHT DOVE,

Plaintiff,

No. C 05-02873 JSW

v.

BAYER HEALTHCARE LLC,

Defendant.

**ORDER RE DISCOVERY
DISPUTE**

The Court has received the parties' joint letter brief dated March 6, 2006, outlining their discovery dispute regarding Bayer's objection to Plaintiff's Request for Production of Documents, Set Two, Request No. 1, requesting the complete personnel files of all persons promoted to, hired into or otherwise placed in the position of Maintenance Mechanic B at Defendant's facilities located at Berkeley, California during the stipulated time period from January 1, 2000 through December 31, 2003. Having reviewed the parties' positions, the Court has determined that a hearing on this dispute is unnecessary.

"Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party." Fed. R. Civ. P. 26(b)(1). "Relevant information for purposes of discovery is information reasonably calculated to lead to the discovery of admissible evidence." *Survivor Media, Inc. v. Survivor Productions*, 406 F.3d 625, 635 (9th Cir. 2005) (internal quotes and citation omitted).

1 The Court finds the personnel files to be relevant and therefore overrules Defendant's
2 objection. However, because the personnel files may contain highly personal information,
3 Defendant may produce the records under either a stipulated protective order or with the
4 identifying personal information redacted. The Court will review a stipulated protective order
5 expeditiously should the parties elect to submit such a proposal. In addition, Plaintiff's
6 representation that he indicated by letter to Defendant's counsel dated February 13, 2006 a
7 partial list of those persons known to employed in HVAC between March 2001 and August
8 2002 does not constitute a new request. Defendant has the burden of identifying and producing
9 those documents responsive to the request, within the stipulated time period.

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11 **IT IS SO ORDERED.**

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13 Dated: March 7, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE